

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner asserts that the specification as originally filed fails to provide a detailed description of “each shape being separated from an adjacent shape by a spacing distance based on border parameters” and points out that figures 15 and 17 illustrate “menu items are adjacent to each other and separated only by a dividing line”, there being “no spacial (sic) distance in between each of the menu items.”

However, the specification at page 31, line 12 – page 32, line 10 discloses:

... the border spacing and box width parameters of the operating system are controlled. Three parameters may be controlled to create the appearance of the focus frame 1705 as shown in Figure 17. Two related parameters “x-border” and “y-border” represent the spacing between elements in the x and y directions, respectively. In Figure 17, the x-border and y-border parameters are set to zero, resulting in the shapes (1701, 1702, 1703, and 1704) having no space between them. Alternatively, by increasing the x-border and y-border values, the spacing between the shapes (1701, 1702, 1703, and 1704) may be increased.

The third adjustable parameter is “width” which allows adjustment of the width of focus frame 1705 surrounding selection 1702. Where, as shown in Figure 17, the value of the width parameter exceeds the values of the x-border and y-border parameters, the focus frame 1705 may overlap over non-selected items 1701 and 1703.

Hence, the specification provides ample support of the claim limitation “each shape being separated from an adjacent shape by a spacing distance based on border parameters.” Therefore, Applicants respectfully submit that the rejection should be withdrawn.

Claims 40-48 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Wiggins et al, US Patent Number 5463727 ("Wiggins"). Applicants respectfully traverse this rejection.

Claim 40 recites, among other things, each shape being separated from an adjacent shape by a spacing distance based on border parameters. However, contrary to the Examiner's assertions, Wiggins does not teach or suggest each shape being separated from an adjacent shape by a spacing distance based on border parameters.

The Examiner contends "each of the menu options 11-16 resides in a rectangular shape, wherein each shape being separated from adjacent shape by a spacing distance based on border parameter (figure 1)." However, Wiggins merely demonstrates "selection of an icon may be indicated ... by drawing a band around the icon." (col.3, lines 30-33) in describing figure 1. Although a selection may be within a shape as Wiggins demonstrates in figure 1, Wiggins does not teach or suggest the nature of separation of adjacent shapes much less border parameters. At best, Wiggins only provides one of ordinary skill in the art with motivation to randomly draw a band around an icon without regard to border parameters. Indeed, Wiggins does not teach parameters in the determination at all.

Claims 43 and 46 recite, among other things, each shape is separated from an adjacent shape by a spacing distance based on border parameters. As set forth above, Wiggins does not teach or suggest this limitation.

For at least these reasons, Applicants respectfully submit that independent claims 40, 43 and 46 distinguish over the art of record, and is in condition for allowance. Claims 41, 42, 44, 45, 47 and 48 depend from allowable independent claims, and are therefore

allowable for at least the same reasons as the independent claims, and further in view of the various advantages and novel features recited therein.

Applicants respectfully submit that the instant application is in condition for allowance. If the Examiner feels, however, that further amendment and/or discussion may be helpful in facilitating prosecution of the case, the Examiner is respectfully requested to telephone the undersigned attorney of record at the number appearing below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Glembocki', written over a horizontal line.

Christopher R. Glembocki  
Registration No. 38,800

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Washington, D.C. 20001  
(202) 508-9100

Date: April 23, 2002